

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JOSHUA CHIMNER and JOHN
CHIMNER, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TANNIS KAY HANSON,

Respondent-Appellant.

UNPUBLISHED

September 27, 2005

No. 261922

Calhoun Circuit Court

Family Division

LC No. 04-000981-NA

Before: Bandstra, P.J., and Neff and Donofrio, JJ.

MEMORANDUM.

Respondent appeals as of right from the order terminating her parental rights to her minor children following her execution of voluntary releases of her parental rights. We affirm.

Respondent contends that the trial court abused its discretion by accepting the release of her parental rights because she was not properly advised of the rights that she would be giving up, the trial court did not review the form with her, and the release form was not admitted into evidence. We review the trial court's investigation of whether a respondent's voluntary release of his or her parental rights is made voluntarily and knowingly for an abuse of discretion. *In re Blankenship*, 165 Mich App 706, 714; 418 NW2d 919 (1988).

At a hearing on the petition to involuntarily terminate respondent's parental rights, respondent's attorney informed the court that respondent would release her parental rights because she believed it was in the children's best interests to do so. A review of the record reveals that the trial court then investigated respondent's understanding of her parental rights and properly determined her willingness to release those rights. Although the trial court did not read the release form to respondent, respondent's attorney stated, and respondent acknowledged, that respondent reviewed the form with counsel. In addition, the trial court reviewed most of the rights contained in the form when it informed respondent that she had the right to a hearing where the court would determine whether her parental rights should be terminated and that she was giving up this right by voluntarily releasing her parental rights. The trial court also asked respondent if she understood that her relationship with the children would be "permanently broken," and respondent acknowledged that she understood. We note that the trial court did not inform respondent that she could request a rehearing, but she obviously understood this right

because she moved for rehearing in a timely manner. The trial court also did not question respondent regarding whether she received money or anything of value in exchange for the release of her parental rights. However, respondent did not allege that she received such promises in her motion for a rehearing or on appeal.

Respondent has not presented any evidence, nor does the record disclose any, that respondent's decision to voluntarily release her parental rights to the minor children was not freely, voluntarily, and knowingly made. Consequently, the trial court did not abuse its discretion in accepting respondent's voluntary releases of her parental rights.

Affirmed.

/s/ Richard A. Bandstra
/s/ Janet T. Neff
/s/ Pat M. Donofrio